IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO. 907 OF 1999

IN

SUMMARY SUIT NO. 1743 OF 1999

MSTC Ltd .....**Plffs.**
vs.
M/s. Singhal Swaroop Ispat Ltd
and ors. .....**Defnds.**

M.P. Rege for the plffs.

P. Parsurampuria for the defnds.

CORAM: S.U. KAMDAR, J.

DATE : 20th September, 2005.

P.C. :.

1. The present suit is filed on the basis of written contract for goods sold and delivered which is annexed as Ex.A to the plaint. Under the said contract the plaintiff has delivered the goods on high-sea-sales basis to the defendant. According

to the plaintiff there is an outstanding amount of Rs.1,90,77,000/- with interest thereon of sum of Rs.1,99,05,000/-. The total claim in the present suit is for Rs.3,82,200/-. The defendant company was under BIFR. However now the company has come out of BIFR. Winding up is recommended of the defendant company but no order is passed.

2. In that view of the matter Summons for Judgment can proceed. The defendants are appearing. Learned counsel for the defendant states that they have no instructions in the matter. In view of the aforesaid there shall be decree only as against defendant no.1, 2 and 4 for sum of Rs.1,90,77,000/- with interest thereon of 18% p.a. from the due date of payment till payment and or realisation. Refund of court fees as per rules.

sd/-

****